

REMARKS

Claims 1, 21 and 26 have been amended herein as suggested in the Action to clarify the term "ODS". Other claims were amended to improve grammar. Claims 37-43 have been added. Claims 1-43 are now pending in the Application. No new matter has been added. Entry of the amendment is respectfully requested. Reconsideration is respectfully requested.

Claim 36 has been amended to be an independent claim. Claim 36 should be allowable.

New claim 37 is an independent method claim that is similar to claim 21. Claim 37 uses "software layer" and "software component" in place of "ODS layer" and "ODS component." New claims 38-41 depend from claim 37. Claims 37-41 should be allowable for at least the same reasons as independent claims 1, 21, and 26.

New claim 42 is an independent claim which recites the material subject matter from original claim 9 directed to using two XFS layers. Claim 43 depends from claim 42 and recites subject matter from original claim 10. Claims 42 and 43 should be allowable for at least the reasons discussed in the Remarks section of the Action.

Support for the amendments and new claims are found in the Specification, original claims and Drawings.

Rejections Pursuant To 35 U.S.C. § 112

In the Action, claims 1-36 were rejected pursuant to 35 U.S.C. § 112, second paragraph. It was asserted in the Action that claims 1-36 were indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

The Action asserted that claims 1-36 were incomplete for omitting essential elements, such omission amounting to a gap between the elements. The Action indicated that the precise

scope and meaning of "Open Device Services" is not clear from the claims and that "the role, function, and action of the ODS layer needs to be clarified in the claims.

Even though the claims as originally presented are believed to satisfy the statutory mandate, the claims have been amended herein to further define the functions of the ODS layer and ODS components as suggested in the Action.

In particular, the claims have been amended as discussed in the Specification at page 12, line 23, to page 14, line 2, to define the functions of an ODS layer as a software layer that functions operatively between a terminal application and an XFS layer, which has at least one ODS component adapted for use with different device drivers for respective different devices of the same type (e.g., card readers from different vendors). Using the same terminal application, the different ODS component is operative to communicate with the XFS layer differently for the respective different device drivers, to have mechanically different devices operate to carry out the same function.

The amendments presented herein are clarifications. The additional matter added to certain claims corresponds to the functions of the "ODS" layer as defined in the Specification and does not narrow the scope of the claims.

It is respectfully submitted that all the pending claims are sufficiently definite and that the rejection pursuant to 35 U.S.C. § 112 should be withdrawn. Allowance of all of the pending claims is respectfully requested.

Additional Claim Fees

Please charge the fees associated with prosecution of three additional independent claims in excess of 3 (\$600) and eight additional total claims (\$400) and any other fee due, to Deposit Account No. 09-0637 of Diebold Self-Service Systems.

Conclusion

Each of Applicants' pending claims specifically recites features and relationships that are neither disclosed nor suggested in any of the applied art. Furthermore, the applied art is devoid of any such teaching, suggestion, or motivation for combining features of the applied art so as to produce Applicants' invention. Allowance of all of Applicants' pending claims is therefore respectfully requested.

The undersigned will be happy to discuss any aspect of the Application by telephone at the Examiner's convenience.

Respectfully submitted,



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